

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON**

UNITED STATES OF AMERICA,

Plaintiff,

-vs-

ANDREI STEPHANOVICH BORGHERIU,

Defendant.

Case No. 4:22-CR-6040-SAB-1

CRIMINAL MINUTES

DATE: FEBRUARY 11, 2025

LOCATION: RICHLAND, WA

JURY TRIAL – DAY TWO

**CHIEF JUDGE STANLEY A.
BASTIAN**

Michelle Fox Courtroom Deputy	01 Law Clerk	Emma Garkavi Svetlana Kupriyanova Interpreters	Kimberly Allen Court Reporter
Frieda Zimmerman Jeremy Kelley Government Counsel		Justin Lonergan Nick Mirr Defense Counsel	
United States Probation Officer:			

☒ **Open Court**

☐ **Chambers**

☐ **Telecon/Video**

Defendant present and out of custody of the U.S. Marshal.

Court addresses counsel regarding the Stipulation, ECF No. 142 will be read at the end of the government's case. There is a list of the exhibits in the Stipulation and counsel agree that all the exhibits can be admitted.

F. Zimmerman indicates that Exh. 211, page 1 is admitted to only.

Court will admit all exhibits in the Stipulation.

☐ **ORDER FORTHCOMING**

CONVENED: 8:45 A.M. 9:08 A.M. 10:45 A.M. 1:15 P.M. 3:15 P.M.	ADJOURNED: 9:03 A.M. 10:27 A.M. 11:57 A.M. 3:00 P.M. 4:55 P.M.	TIME: 18 MIN. 1 HR. 19 MIN. 1 HR. 12 MIN. 1 HR. 45 MIN. 1 HR. 40 MIN. TOTAL: 6 HRS. 14 MIN	
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Court asks if the entire Stipulation needs to be read. N. Mirr does not believe it all needs to be read, just the one portion by government. F. Zimmerman agrees.

Court discusses instruction regarding transcript. F. Zimmerman asks to read prior to the transcript being used. Court will read the instruction at the appropriate time. N. Mirr does not have any objection.

J. Lonergan indicates that the defendant will not be requesting the jury decide the forfeiture. It will be for the Court. Court summarizes the request that it is decided that the Court will decide forfeiture and not jury. F. Zimmerman has no objection.

J. Lonergan presents argument regarding Mr. Brown. Concerned about using as expert or lay witness. Court asks how it affects cross. J. Lonergan responds. Court questions counsel. F. Zimmerman presents argument. Court will review the Order. F. Zimmerman states he will be the first witness. J. Lonergan indicates they will be getting into the credit report. Court addresses counsel. F. Zimmerman responds. Court addresses counsel. J. Lonergan responds. Court asks if he will be testifying as an expert. F. Zimmerman indicates he was offered as an expert. Court addresses counsel. F. Zimmerman agrees to the summary by the Court. J. Lonergan responds.

Court addresses the juror that wanted to start at 9:00 am. The Court hopes there are no issues.

Recess: 9:03 am – 9:08 am

Jury reconvenes.

Raymond Brown is sworn in and questioned by F. Zimmerman.

Exh. 2, 1, 3, 4 discussed.

Exh. 5 shown to witness and offered. J. Lonergan objects as previously argued. Court admits Exh. 5 over objection.

Exh. 6, 7, 8 discussed.

10:04 am – J. Lonergan cross examines witness.

Exh. 2, 7, 2 discussed.

Recess: 10:27 am – 10:45 am

Jury reconvenes. Court addresses jury.

Raymond Brown retakes the stand. Cross continues by J. Lonergan. F. Zimmerman objects to questioning regarding third party. Court overrules objection.

Exh. 6, 2 discussed.

11:00 am – Redirect by F. Zimmerman.

11:07 am – Recross by J. Lonergan.

11:09 am – Redirect by F. Zimmerman.

Witness excused at 11:10 am.

Guelita Pericles is sworn in and questioned by J. Kelley.

Exh. 1, 6 discussed.

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11:33 am - J. Loneragan cross examines witness.

Exh. 1, 6 discussed.

11:43 am – Redirect by J. Kelley.

11:44 am – Recross by J. Loneragan.

Witness excused at 11:45 am.

Erick Simmons is sworn in and questioned by F. Zimmerman.

Exh. 37 shown to witness and offered. Court admits Exh. 37 without objection.
Exh. 26 discussed.

No questions by defendant.

Witness excused at 11:56 am.

Recess: 11:57 am – 1:15 pm

Jury reconvenes.

Nikica Lacic is sworn in and questioned by F. Zimmerman.

Exh. 13 shown to witness and offered. Court admits Exh. 13 without objection.

Record reflects that witness identified Mr. Borgheriu.

Exh. 14 shown to witness and offered. Court admits Exh. 14 without objection.

Exh. 15 discussed.

1:44 pm – N. Mirr cross examines witness.

1:55 pm - Redirect by F. Zimmerman.

1:57 pm – Recross by N. Mirr. F. Zimmerman beyond scope. Court overrules objection.

F. Zimmerman asks to have witness remain under recall in rebuttal case.

Witness excused at 2:00 pm.

Julijana Imamovic is sworn in and questioned by J. Kelley.

Exh. 13 discussed.

2:21 pm – N. Mirr cross examines witness.

2:24 pm – Redirect by J. Kelley.

J. Kelley asks to have witness remain under recall in rebuttal case.

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Witness excused at 2:25 pm.

Daniel Lacie is sworn in and questioned by F. Zimmerman.

Exh. 16, 15 discussed.

2:38 pm – N. Mirr cross examines witness.

Exh. 15 discussed.

Witness excused at 2:43 pm.

Dylan Strait is sworn in and questioned by J. Kelley.

Exh. 16, 15 discussed.

Recess: 3:00 pm - 3:15 pm

Jury reconvenes.

Dylan Strait retakes the stand. Direct continues by J. Kelley.

Exh. 17, 18, 19, 20, 21, 22, 23, 24, 25 discussed.

3:36 pm – N. Mirr cross examines witness.

Exh. 15 discussed.

3:47 pm – Redirect by J. Kelley.

3:56 pm – Recross by N. Mirr.

N. Mirr asks to keep witness on their witness list.

Witness excused at 3:58 pm.

Christian Parker is sworn in and questioned by J. Kelley.

Exh. 9, 10, 11, 12, 30, 31, 32, 33, 34, 35, 224, 225, 226 discussed.

Record reflects that witness identified Mr. Borgheriu.

Exh. 29 shown to witness. Exh. 27 discussed – audio interview. Offer Exh. 27. Court admits Exh. 27 without objection.

Court and counsel discuss the audio. Court will recess and play the audio tomorrow morning.

Court addresses jury. Court excuses the jury to reconvene tomorrow morning at 8:30 am.

Court and counsel discuss schedule. Court will reconvene tomorrow at 8:30 am.